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June 2, 1958  
Opinion No. 58-85

REQUESTED BY: Honorable Augusta T. Larson  
House of Representatives

OPINION BY: ROBERT MORRISON, The Attorney General

QUESTION: May ADA payments be made for pupils receiving what is designated "pre first" training and who do not reach their fifth birthday until after January 1 of the school year?

CONCLUSION: No.

In its opinion No. 57-68 this office held that ADA payments could not be made for kindergarten pupils. We believe the same principles and reasoning apply to the case at hand. Article 11, Section 1, of the Arizona Constitution, provides for the establishment of a uniform public school system, which includes kindergartens, common schools, high schools, etc. A. R. S. § 15-1212(C) defines "common school" as the first to eighth grades inclusive, and "high school" as the ninth to twelfth grades inclusive. Kindergarten is a course of instruction prior to common school instruction. Nowhere is "pre first" recognized as either a type of school or a course of instruction as such.

What constitutes a "first" grade pupil for purposes of ADA depends upon the number of hours attended and the teaching of the curriculum prescribed by the State Board of Education.

The age of the pupil has no bearing upon the payment of ADA as long as the other requirements of a first grade are met.

In summary, if the pupil is attending "first" grade, ADA payment may be paid for such pupil regardless of age. If it does not constitute a first grade, then it is our opinion that no ADA payments may be made for those in attendance.

*Robert Morrison*  
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ROBERT MORRISON  
The Attorney General